

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
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- v. -	:	<u>PROPOSED ORDER</u>
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GODFRIE COLE,	:	24 Cr. 057 (PAE)
	:	
Defendant.	:	
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WHEREAS, pursuant to 18 U.S.C. § 4247(b), a qualified examiner, Cheryl Paradis, Psy.D., conducted a psychological examination of the defendant, GODFRIE COLE, at the Metropolitan Detention Center; and

WHEREAS, pursuant to 18 U.S.C. § 4247(c), Dr. Paradis filed a psychological report, with the Court on August 6, 2024, with copies provided to Hannah McCrea, Esq., counsel to the defendant, and to the United States, via Damian Williams, United States Attorney for the Southern District of New York, and Brandon D. Harper, Assistant United States Attorney, of counsel (the "Government"); and

WHEREAS, Dr. Paradis's report concluded within a reasonable degree of psychological certainty that the defendant is presently suffering from a mental disease or defect rendering the defendant mentally incompetent to the extent that the defendant is unable to assist properly in the defendant's defense; and

WHEREAS, after reviewing Dr. Paradis's report, neither defense counsel nor the Government has filed any objections to Dr. Paradis's findings; and

WHEREAS, after reviewing Dr. Paradis's report, this Court finds that the defendant is presently suffering from a mental disease or defect rendering the defendant mentally

incompetent to the extent that the defendant is unable to assist properly in the defense;

IT IS HEREBY ORDERED, pursuant to 18 U.S.C. § 4241(d), that the defendant be committed to the custody of the Attorney General of the United States; and it is further

ORDERED, pursuant to 18 U.S.C. § 4241(d)(1), that the Attorney General shall hospitalize the defendant for treatment in a suitable facility for such a reasonable period of time, not to exceed four months, as is necessary to determine whether there is a substantial probability that in the foreseeable future the defendant will attain the capacity to permit criminal proceedings to go forward; and it is further

ORDERED that the Attorney General shall designate and transport the defendant to the suitable facility at which the defendant will be hospitalized as expeditiously as possible; and it is further

ORDERED that a Bureau of Prisons (“BOP”) Federal Medical Center for prisoners is a “suitable facility” under 18 U.S.C. §§ 4241(d) and 4247(a)(2); and it is further

ORDERED that the four-month period for the defendant’s commitment pursuant to 18 U.S.C. § 4241(d)(1) shall commence upon the defendant’s arrival at the suitable facility; and it is further

ORDERED that, should the suitable facility find at any time that the defendant has attained the capacity to permit criminal proceedings to go forward against the defendant, the BOP shall notify the Court as soon as practicable; and it is further

ORDERED that, upon the expiration of 30 days from the date of this Order, and every 30 days thereafter, the BOP shall provide an interim report to the Court, the Government, and defense counsel regarding the defendant’s medical and psychological condition; the diagnosis

of the examiner(s) at the suitable facility where the defendant is hospitalized who are assigned to examine the defendant; and the view of the examiner(s) as to prognosis; and it is further

ORDERED that, at the conclusion of the examination, evaluation, and treatment of the defendant in accordance with this Order, the BOP shall make a report of its findings as provided by 18 U.S.C. §§ 4247(c)(1), (2), (3), and (4)(A); and it is further

ORDERED that in evaluating the defendant and preparing any and all of the reports required by this Order, the examiner(s) at the suitable facility where the defendant is hospitalized who are assigned to examine the defendant shall consider, among any other pertinent materials, the report referenced in this Order, as well as any further documents that the Court may direct, and that the Government shall, to the extent necessary, provide copies of all such documents to the relevant person(s) at the suitable facility where the defendant is hospitalized; and it is further

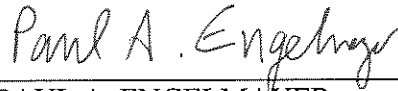
ORDERED that the Government ensure that this Order is provided promptly to the appropriate personnel at the BOP and the United States Marshals Service so that there are no undue delays in the designation and transportation of the defendant; and it is further

ORDERED that copies of any medical, psychiatric and/or psychological reports filed with the Court be provided to the Government to the attention of Assistant United States Attorney Brandon D. Harper, 26 Federal Plaza, 37th Floor, New York, NY 10278 (Brandon.Harper2@usdoj.gov), and defense counsel Hannah McCrea, Esq., 10 Duane Street, 10th Floor, New York, NY 10007 (Hannah_McCrea@fd.org), or any successor counsel appointed to represent the defendant; and it is further

ORDERED that, in light of the commitment of the defendant to the custody of the Attorney General for treatment pursuant to 18 U.S.C. § 4241(d), time under the Speedy Trial Act shall be excluded until further order of this Court, as such time involves a period of delay resulting

from proceedings to determine the mental competency of the defendant, *see* 18 U.S.C. § 3161(h)(1)(A).

DATED: August 15, 2024
New York, New York

A handwritten signature in cursive script that reads "Paul A. Engelmayer". The signature is written in dark ink and is positioned above a horizontal line.

HON. PAUL A. ENGELMAYER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF NEW YORK